

Message

From: McCarty, Diane [diane.mccarty@aecom.com]
Sent: 11/21/2017 4:45:26 PM
To: Smith, Claudia [Smith.Claudia@epa.gov]
Subject: Re: Enforceable Limits

Thank you so much! Have a great Thanksgiving.

Diane McCarty, PE
Vice President
Consulting Central Region - Deputy Operations Director
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Diane.McCarty@aecom.com

On Nov 20, 2017, at 4:37 PM, Smith, Claudia <Smith.Claudia@epa.gov> wrote:

Diane,

My apologies for not responding to your request sooner. I have been incredibly busy with several high-priority duties and haven't had a chance to catch up with inquiries like these.

The FIP does not create enforceability for voluntarily operated controls just because they are stated in the registration forms to be installed and operated. The registration forms do not demonstrate compliance with 40 CFR 60.18(b) for flares or combustor performance requirements (40 CFR 60.5413a(a)(7)) if the source is not subject to those requirements. If the source would not otherwise be subject to the NSPS general provisions or NSPS OOOOa, then the control device is not enforceable and the source must determine the PTE of the storage vessels assuming they are uncontrolled. Examples of situations where a source registering under the FIP might be able to account for controls that are not otherwise required by the NSPS and MACT rules referenced in the FIP would be if the source was subject to some other federally enforceable mechanism requiring the controls, such as a federal consent decree or federal consent agreement.

Hope that helps clarify the FIP. Feel free to contact me if you have further questions.

Thanks,

Claudia

Claudia Young Smith
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From: McCarty, Diane [<mailto:diane.mccarty@aecom.com>]
Sent: Monday, November 20, 2017 4:15 PM
To: Smith, Claudia <Smith.Claudia@epa.gov>
Subject: RE: Enforceable Limits

Hi Claudia,

Are you able to provide guidance as requested below? We would really appreciate your help.

Thank you,
Diane

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From: McCarty, Diane
Sent: Wednesday, November 1, 2017 11:46 AM
To: 'smith.claudia@epa.gov'
Subject: Enforceable Limits

Hello Claudia,

A client of ours is determining potential regulatory applicability in complying with the Indian Country True Minor Source FIP (40 CFR 49.101-105). The issue is whether timely submittal of registration Forms 1 and 2 (40 CFR 49.160(c)(1)(iv)) claiming storage tank emissions controls, to the extent in the submittal demonstrates compliance with 40 CFR 60.18(b) for flares or provides documentation of control device manufacturer testing meeting performance requirements (40 CFR 60.5413a(a)(7)), creates legally and practically enforceable emissions limit for purposes of determining storage vessel applicability to NSPS OOOOa.

Simply put, the client wants to know if a control device installed to reduce storage vessel emissions and claimed in registration Forms 1 and 2 creates a legally and practically enforceable VOC emission limit for purposes of determining NSPS OOOOa applicability to storage vessels at a facility.

Would you please provide guidance at your earliest convenience?

Thank you so much,
Diane

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